

REMARKS

The Examiner indicated that the reissue application was filed without an offer to surrender the original patent. The original patent or an affidavit or declaration as to loss or inaccessibility of the original patent will be filed before the reissue application is allowed.

The application was objected to as lacking the written consent of all assignees owning an undivided interest in the patent. Mr. Kroll, the principal attorney of record, has advised the undersigned by telephone that there is no assignee in the present patent.

The Examiner has requested the applicant to cite all the references listed in the original patent on form PTO-1449. This will be submitted in due course.

The Examiner has determined that the reissue oath/declaration filed with the application is defective because the declaration lacks the statement required by 37 CFR 1.175(a)(2). This will be submitted in due course. It is noted by the Examiner that a supplemental reissue oath/declaration must be received before this reissue application can be allowed.

Claims 1-17 were rejected as being based upon a defective Declaration under 35 USC 251 as set forth above. The Examiner provided an example of acceptable language to be used in the supplemental oath/declaration to overcome this ground of rejection. As noted above, a new Declaration will be submitted in due course.

Claims 1-11, 16 and 17 were rejected as being anticipated by Boles.

Claims 12-15 were rejected as being unpatentable over Boles.

Boles discloses a toy holder for mounting a toy on a nursing bottle. As seen from the figures in the patent there is no one area of the toy, which extends from the bottle

itself, which would focus the attention {ie, focus the eyes of the infant at a small area at the distal end of the extension member}. In the present invention, it will be seen from the figures, and especially Figs. 1, 4 and 5, the eyes of the infant are directed to the ornament which is mounted on the distal or free end of the extension member, and that the extension member is adapted to deploy the ornament beyond the end of the baby bottle. As is obvious from the drawings in this application, the extension member by itself in effect is designed to avoid attracting the attention of the infant.

(1) In order to more clearly distinguish the claims over the reference, independent claims 1, 6 and 7 have been amended to recite that the ornament is located at and limited to the distal or free end of the extension member as clearly seen in Figs. 1 and 2. In Boles, it will be seen that the gaze of the infant can wander over the whole length of the toy which extends directly from the bottle itself to the free or distal end of the toy.

It should also be noted that in Boles the distance of the toy from the eyes of the infant is limited to the length of the bottle, from the way the toy is mounted on the bottle. As seen in Fig. 4 of the present application, where two bottle sizes are shown, the ornament can be located at a distance greater than the length of the bottle. The specification in pages 4 and 5 discusses this aspect of the invention in greater detail. This aspect of the invention is significant in terms of the mounting as recited in claim 1 and the use of an extension member to support the ornament. In Boles, the toy is mounted directly on the bottle and thus is not capable of being located further away from the eyes of the infant than the length of the bottle.

The remaining claims depend from either claim 1 or claim 7, adding details of the nature of the ornament (ie, the cartoon type face in claims 2 and 12-14 and a pair of loop

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ears on the flat head of the ornament in claims 3 and 15). Depending claims 8-10 add features relating to the location of the ornament in terms of distance from the eyes of the infant

While the Examiner dismisses the shape of the ornament as an obvious design choice, in fact the design of the ornament is considered important to maintain the attention of the infant. This very issue is discussed in the specification in the third paragraph in page 4 pointing out the features which best attract newborns, the ornament being designed to maintain such attraction.

In addition, a number of claims add limitations with regard to the distance of the ornament from the eyes of the infant, including claims 6 and 10. As pointed out earlier, the use of an extension member makes it possible to recite a range which extends beyond the length of the bottle. This feature is effectively recited in claims 4, 8 and 10.

In view of the foregoing, it is believed that the claims as amended do distinguish patentably over the art of record and should be allowed.

If the Examiner determines that further changes are required to obtain allowance of the claims, he is urged to call Mr. Kroll or the undersigned.

A favorable action is solicited.

Respectfully submitted,



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In the Claims

Marked up version showing changes:

1. (amended) An infant eye trainer for a baby bottle supported by said baby bottle comprising:

a) means for gripping the baby bottle comprising a flexible split clamp ring fitted about a body portion of the baby bottle, said ring being split at an angle such that the exposed ends overlap each other, said exposed ends having mating hook and loop fastener for holding said ring securely on said baby bottle;

b) an elongated flat neck extension member extending from said gripping means; and

c) a visually stimulating ornament mounted on and limited to a distal free end of said extension member, said ornament having a flat head shape generally round in shape with clear edges [on a distal free end of said extension member], said ornament being positioned about 7 to 10 inches from the eyes of said baby, said gripping means, extension member and ornament being integral and fabricated out of the same kind of material.

4. (amended) An infant eye trainer for a baby bottle as recited in claim 1, wherein said [material is plastic] extension member is adapted to permit deployment of said ornament beyond a distal end of said bottle.

5. (amended) An infant eye trainer for a baby bottle as recited in claim 1, wherein said material is selected from a group consisting of plastic or rubber.

6. (amended) The method of training the eyes of an infant to help keep the eyes of the infant focused in a straight manner to prevent the eyes of the infant from crossing during bottle feeding comprising the steps of:

a) placing on said bottle a flexible split clamp ring split at an angle such that the exposed ends overlap each other, said exposed ends having mating hook and loop pile fastener for holding said ring securely on said baby bottle, an elongated flat neck extension member extending from said gripping means, and a visually stimulating ornament having a flat head shape generally round in shape with clear edges on a distal free end of said extension member, said ornament being limited to said distal free end of the extension member, said gripping means, extension member and ornament being integral and fabricated out of the same kind of material; and

b) positioning said split ring on said baby bottle so that said ornament is about 7 to 10 inches from the eyes of said baby.

7. (amended) An infant eye trainer selectively and releasably secured to a baby bottle, said infant eye trainer comprising:

d) means for releasably gripping the baby bottle;

e) an elongated member connected to and extending from said gripping means; and

f) a visually stimulating ornament connected to and limited to a [an] free end of said elongated member opposite said gripping means and held at a distance from eyes of an infant while feeding from the bottle by said elongated member whereby said visually stimulating ornament is visible to the infant.

8. (amended) The infant eye trainer as claimed in claim 7, wherein said elongated member [extends substantially 2 to substantially 5 inches from said gripping means] is adapted to permit deployment of said ornament beyond a distal end of said baby bottle while said infant is using said baby bottle.

10. (amended) The infant eye trainer as claimed in claim [7] 8, wherein said visually stimulating ornament is positioned substantially 7 to 10 inches from the eyes of the baby when said gripping means is gripping the baby bottle.